

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

V.

NO. 4:21-CR-92

CLARENCE LAMAR BUCK

ORDER

On March 28, 2023, a federal jury found Clarence Lamar Buck guilty of four counts of distributing methamphetamine and one count of possessing a firearm as a felon. Doc. #94; *see* Doc. #39. Buck’s sentencing hearing is currently set for September 27, 2023.¹ Doc. #121. On or about August 21, 2023, Buck, who always has been represented by appointed counsel throughout these proceedings,² filed a pro se motion “for a Order Request By the United States Justice Department to Investigate Several Matters Concerning His Criminal Federal Indictment” and “request[ing] a Full Investigation be done by the United States Justice Department because Violations of [his] Substantial and Constitutional Rights are at Stake as Well as his Life and Liberty.”³ Doc. #118. In support of such relief, Buck asserts:

- (1) [His] 4th Constitutional Amendment Right have been violated
- (2) Ineffective Assistance Counsel and Ineffective Assistance Trial Counsel
 - (a) Fail to Call Proper Witnesses for [His] Trial
 - (b) Fail to File Proper Pre Trial Motions
 - (c) Fail to File Objections to Pre Sentence Investigation Report

¹ The sentencing hearing was initially set for August 14, 2023, before United States Senior District Judge Neal B. Biggers. Doc. #112. Judge Biggers presided over this case until it was reassigned to the undersigned on August 14, 2023. Doc. #116.

² The Federal Public Defender was initially appointed to represent Buck. *See* October 13, 2021, text order; Doc. #8. The Court subsequently appointed Buck three different attorneys—each in substitution of the former. *See* Docs. #34, #60, #74. The last attorney appointed to represent Buck moved to withdraw on March 21, 2023 (a week before trial), but withdrawal was denied. Docs. #83, #86.

³ The motion is titled, “Motion for Order Request.” Doc. #118.

Id. at PageID 362–63.⁴

To the extent Buck seeks relief from this Court based on claims of a Fourth Amendment violation and ineffective assistance of counsel,⁵ his bald and conclusory assertions are insufficient to warrant relief.⁶ *See United States v. Hardnett*, No. CR 17-161, 2023 WL 2702562, at *8 (M.D. La. Mar. 29, 2023) (conclusory implied claim of Fourth Amendment violation denied); *id.* at *10 (“Mere conclusory allegations on a critical issue are insufficient to raise a constitutional issue.”) (citing *United States v. Pineda*, 988 F.2d 22, 23 (5th Cir. 1993)); *Noble v. Dir., Tex. Dep’t of Crim. Just.*, No. 2:18-cv-195, 2021 WL 3176029 (N.D. Tex. June 21, 2021) (“Simply making conclusory allegations of deficient performance and prejudice is not sufficient to meet the *Strickland* [ineffective assistance of counsel] test.”) (citing *Miller v. Johnson*, 200 F.3d 274, 282 (5th Cir. 2000)). For these reasons, Buck’s pro se motion [118] is **DENIED without prejudice**.⁷

SO ORDERED, this 26th day of September, 2023.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

⁴ All spelling, grammar, and punctuation errors in the quoted text are contained in the pro se motion. *See* Doc. #118 at PageID 362–63.

⁵ At least one of Buck’s assertions regarding his claim of ineffective assistance of counsel—that objections to the presentence report were not filed on his behalf—is patently inaccurate. *See* Doc. #113 (“Defendant’s Objections to the Presentence Report” filed July 25, 2023).

⁶ And to the extent Buck, while represented by counsel, attempts to raise a constitutional violation claim based on something other than ineffective assistance of counsel, such is deemed an attempt at hybrid representation and will not be considered.

⁷ This ruling in no way means that if Buck’s assertions were not conclusory he would be entitled to the requested relief.